

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GARY WELLS,

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

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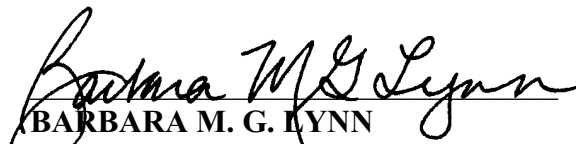
Civil Action No. 3:13-CV-3658-M

ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing the Findings, Conclusions, and Recommendation of the United States Magistrate Judge for plain error, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

Defendant's Motion to Dismiss and Brief in Support, filed September 19, 2013 (doc. 4), is **GRANTED in part** and **DENIED in part**. Plaintiff's claim against Defendant for an accounting is **DISMISSED with prejudice** for failure to state a claim upon which relief can be granted. Remaining for trial are Plaintiff's claims for breach of contract, limitation of actions under Tex. Civ. Prac. & Rem. Code § 16.035, quiet title, declaratory judgment, and injunctive relief.

SIGNED this 12th day of September, 2014.


BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS